IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 25655 of 2003

Between:

A.P. HB VII Phase, Residents Welfare Society, Regd No. 6220/1998, rep by President Sri R. Pratap Kumar Office LIG-238, VII Phase, KPHB Colony, Kukatpally, Hyderabad-500 072, C/o Vincent R/o H. No. 11-2-111/7, Mailargadda, Seethaphalmandi, Secunderabad

..... PETITIONER

AND

1 The Registrar of Societies, O/o the Registrar of Societies, and Inspector General of Registrarion and Stamps, Andhra Pradesh, Musheerabad, Hyderabad
2 S. Jagan Mohan Reddy, s/o. not known
APHB VII Phase Residents Welfare Society. R/o. LIG 196, KPHB Colony, Kukatpally, Hyderabad [R-2 is impleaded as per Court order dated 10.3.2004 in WPMP.No.33135/03].

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue direction or writ more particularly one in the nature of mandamus declaring the action of the Respondent in not registering the newly elected body of APHB VII Phase Residents Welfare Society and not carrying out the amendment of memorandum with regard to change of name of the society from APHB VII Phase Residents Welfare Society" to KHHB VII Phase Residents Welfare Society" and passing the present impugned order i.e proceedings No. Soc 2/628/2002 dt 27-01-2003 as arbitrary, illegal, contrary tot he provisions of the Act irrational and set a side the same and consequentially direct the respondent to forthwith register the newly elected body of APHB VII Phase Residents Welfare Society and carryout the amended i.e. alteration of name of the Society from "APHB VII Phase Residents Welfare Society" to KPHB VII Phase Residents Welfare Society"

Counsel for the Petitioner: MR.G.S.S.SIVA KESAVA

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for the Respondent No.2 : None

The Court made the following :

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W.P.No. 25655 OF 2003

ORDER:-

Heard both the learned counsel. Petitioner herein which is a Society filed this writ petition, inter alia, seeking to assail the orders dated 27-01-2003 wherein the request of the petitioner to amend its name was rejected.

Though the case of the petitioner is that the impugned order came to be passed at the instance of anonymous letters, however, on perusal of the material on record, it is seen that only in the absence of the application by the Secretary of the Petitioner-Society, rejection was made. However, on the face of it, the impugned order shows that there was no any notice or any enquiry, much less no opportunity was given to the petitioner before the said rejection was made.

Be that as it may, instead of going into the objections raised on behalf of the respondent, it is suffice to direct the petitioner to file fresh application having regard to the fact that the Body is a new one, which will be considered on merits uninfluenced by earlier rejection or this order. Learned counsel for the petitioner submits that necessary material was already filed along with the earlier application, which can be relied upon for the purpose of fresh registration by the authority and therefore, the petitioner need not be insisted upon the very same documents. It is open to the petitioner to file further documents in support of its claim. Petitioner shall file the application within a period of four weeks from today and on receipt of which, the same shall be considered and disposed of by the respondent within a period of two months thereafter.

Writ petition is disposed of accordingly. No costs.

22—07—2004.

Stv/-

To

1 The Registrar of Societies, O/o the Registrar of Societies, and Inspector General of Registrarion and Stamps, Andhra Pradesh, Musheerabad, Hyderabad
2. Two CCs to GP for Revenue, High Court Court buildings, Hyderabad. (OUT)

3. Two CD copies.